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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HIROSHI CHISHIMA

Appeal 2009-005386
Application 10/717,867
Technology Center 2100

Decided: January 11, 2010

Before JOSEPH L. DIXON, HOWARD B. BLANKENSHIP, and THU A. DANG, *Administrative Patent Judges.*

DANG, *Administrative Patent Judge.*

DECISION ON APPEAL

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Application 10/717,867

I. STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134 (2002) from a final rejection of claims 1, 3-23, 28, and 29. Claims 2 and 24-27 have been canceled. An Oral Hearing regarding this appeal was conducted on December 9, 2009. We have jurisdiction under 35 U.S.C. § 6(b) (2008).

We affirm.

A. INVENTION

According to Appellant, the invention relates to a function extension technique for browsers installed in mobile terminals or personal computers, and in particular, to a function extension technique for browsers, which is capable of easily coping with information services requiring extension of markup languages or meta-information (Spec. 1, ll. 6-9).

B. ILLUSTRATIVE CLAIM

Claim 1 is exemplary and is reproduced below:

1. A function extension type browser comprising:

an application program downloaded when an information service requiring an extension of a markup language or meta-information is used;

a document parser unit for converting document data into structured document information in response to an instruction from the application program;

a document information manipulation unit for enabling the structured document information to be referred to from the application program;

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a browser core unit for displaying a display document based on the structured document information in response to an instruction from the application program; and

an event information informing unit, wherein:

when an event relating to the display document takes place, said event informing unit informs the application program of event information indicating a type of the event and a part of the display document where the event takes place.

C. REJECTION

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Shigemi 6,314,434 B1 Nov. 6, 2001

Claims 1, 3-23, 28, and 29 stand rejected under 35 U.S.C. § 103(a) over the teachings of Shigemi.

II. ISSUES

Has Appellant shown that the Examiner erred in finding that Shigemi teaches or would have suggested “an application program downloaded when an information service requiring an extension of a markup language or meta-information is used” and “a document parser unit for converting document data into structured document information in response to an instruction from the application program” (claim 1). The issues turn on whether Shigemi’s scripts comprise “an application program,” and whether Shigemi’s step of

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parsing of data is “converting document data into structured document information” by a “parser unit,” as required by claim 1.

III. FINDINGS OF FACT

The following Findings of Fact (FF) are shown by a preponderance of the evidence.

Shigemi

1. Shigemi discloses a structured data processing unit 3 which retrieves from a structured data storage unit 2 a particular structured data object 3a specified in a retrieved message, analyzes the tree structure of this structured data object 3a to identify a node to be processed, and then executes a specific process script associated with the identified node (col. 4, ll. 41-48; Fig. 1).
2. Extensible Markup Language (XML) can be used to produce Document Type Definition (DTD) (col. 9, ll. 20-22).
3. The structured data management unit 21, together with the script interpreter 22, works as servers for the external environment outside the processing engine 20, wherein the script interpreter 22 parses and executes Micro Post Script (MIPS) scripts which contain the process definition concerning each management object (col. 10, ll. 21-29; Fig. 4).
4. The script interpreter 22 in the processing engine 20 receives event messages according to the management/control script 73 being loaded

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and manipulates the incoming messages (col. 14, l. 60 to col. 15, l. 29; Fig. 17).

IV. PRINCIPLES OF LAW

"[T]he PTO gives claims their 'broadest reasonable interpretation.'" *In re Bigio*, 381 F.3d 1320, 1324 (Fed. Cir. 2004) (quoting *In re Hyatt*, 211 F.3d 1367, 1372 (Fed. Cir. 2000)). "Moreover, limitations are not to be read into the claims from the specification." *In re Van Geuns*, 988 F.2d 1181, 1184 (Fed. Cir. 1993) (citing *In re Zletz*, 893 F.2d 319, 321 (Fed. Cir. 1989)). Our reviewing court has repeatedly warned against confining the claims to specific embodiments described in the specification. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1323 (Fed. Cir. 2005) (en banc).

Section 103 forbids issuance of a patent when "the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains."

KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398, 406 (2007).

"What matters is the objective reach of the claim. If the claim extends to what is obvious, it is invalid under § 103." *Id.* at 419. To be nonobvious, an improvement must be "more than the predictable use of prior art elements according to their established functions." *Id.* at 417.

V. ANALYSIS

Appellant contends that “[t]he application program recited in the claims of the present invention is a program that enables structured document information to be referred to by a browser, or to be converted from document data into structured information” while “Shigema does not disclose or suggest that XML can be used as an alternative to scripts... or suggest any relationship between scripts and XML” (App. Br. 10-11). Furthermore, Appellant contends that “Shigemi discloses only that already structured data, such as SGML or XML, is merely transported (not converted)” (*Id.* at 9). In particular, Appellant contends that “the script interpreter disclosed by Shigema parses and executes MIPS scripts ... it does not convert data into structured data” (*Id.* at 10).

However, the Examiner finds that “[t]he structured data management unit, together with the script interpreter, works as a server It receives and manages SGML documents ... to provide the script interpreter with database services” (Ans. 10). Thus, the Examiner finds that the claim language “fails to preclude the Examiner from utilizing the browser discussed within the reference and the manipulation of nodes within the business system to suggest a means of using the document information to be referred to from the application program” (*Id.*). The Examiner also finds that “the reference states that the data processing unit analyzes the tree structure of this structured data object to identify a node to be processed. If the data object is a structured document, the reference suggests a means of parsing through a tree structure of a business document to identify nodes to

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be processed, and then executes a specific process script associated with the identified node” (*Id.* at 9).

Appellant’s contentions that Appellants’ application program “is a program that enables structured document information to be referred to by a browser” and that “Shigema does not disclose or suggest that XML can be used as an alternative to scripts... or suggest any relationship between scripts and XML” (App. Br. 10-11) are not commensurate in scope with the language of claim 1. That is, claim 1 does not recite any such “enables structured document information to be referred to by a browser” (emphasis added) or “XML can be used as an alternative to scripts” or “any relationship between scripts and XML” limitation. Accordingly, we will not read any such limitation into the claims.

Thus, the issues we address on appeal are whether Shigemi teaches or would have suggested “an application program downloaded when an information service requiring an extension of a markup language or meta-information is used” and “a document parser unit for converting document data into structured document information in response to an instruction from the application program” as recited in claim 1. In particular, we address whether Shigemi’s scripts comprise “an application program,” and whether Shigemi’s step of parsing of data is “converting document data into structured document information” by a “parser unit,” as required by claim 1.

We give the claims their broadest reasonable interpretation. *See In re Bigio*, 381 F.3d at 1324. Furthermore, our analysis will not read limitations

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into the claims from the specification. *See In re Van Geuns*, 988 F.2d at 1184.

Appellant's claims simply do not place any limitation on what the term "application program" is to be, is to represent, or is to mean, other than that it is "downloaded when an information service requiring an extension of a markup language or meta-information is used" wherein the document conversion and display are "in response to an instruction from the application program" (claim 1). Thus, the application program cannot be confined to a specific embodiment as Appellant contends when the claims do not recite a specific embodiment. Instead, we interpret an "application program" as a set of ordered operations for a specific function wherein data conversion and display are performed in response to the program.

Similarly, Appellant's claims simply do not place any limitation on what the term "parser unit" is to be, is to represent, or is to mean, other than that it is "for converting document data into structured document information" (claim 1). Claim 1 does not even place any limitation on what "converting" is to be, represent or mean. Thus, we will not confine the "parser unit" to a specific embodiment as Appellant contends. Instead, we interpret the "parser unit" as a unit that changes data from one form to another.

Furthermore, claim 1 does not even place any limitation on what "structured document information" is to be, represent or mean other than that the structured document information is referred to from the application program. In fact, the term "structured document" does not change the

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functionality of, or provide an additional function to the “information” but is merely a label for the information. That is, claim 1 does not recite any structuring step, but rather recites “structured document” to describe information.

Though Appellant contends that “Shigemi discloses only that already structured data” is transported (App. Br. 9), Appellant appears to be arguing that the “structured document information” must only be the structured data that is transported in Shigemi, i.e., the document data that is input to the parser to be converted to structured document information. However, the language of claim 1 simply does not preclude “structured document information” from information that is output from the parser unit, even if the document data input to the parser unit is already the “structured data” of Appellant’s argument.

Thus, we will not confine the “structured document information” to the specific embodiment in Appellant’s contention. Instead, we broadly but reasonably interpret the structured document information as information output from the parser unit to be referred to from the application program.

Shigemi discloses a processing unit which retrieves from a storage unit a particular data object specified in a retrieved message, analyzes the tree structure of this data object, and then executes a specific process script for display (FF 1). The skilled artisan would have understood Shigemi’s process scripts to be executed to comprise a set of ordered operations for a specific function.

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Further, we agree with the Examiner’s finding that the structured data management unit and script interpreter of Shigemi together receive and manage data documents to provide database services, wherein “the browser discussed within the reference and the manipulation of nodes within the business system … suggest a means of using the document information to be referred to from the application program” (Ans. 10). Thus, we find Shigemi discloses or at the least suggests an application program wherein data conversion and display are performed in response to the program.

Since Shigemi discloses that XML can be used (FF 2), we find that Shigemi discloses an application program that is downloaded when XML is used. In fact, even Appellant admits that Shigemi discloses using XML (App. Br. 9).

Furthermore, Shigemi discloses that the script interpreter parses and executes scripts which contain the process definition concerning each management object (FF 3), wherein the script interpreter receives event messages according to the management/control script being loaded and manipulates the incoming messages (FF 4). The skilled artisan would have also understood the executing of the scripts and manipulating of the incoming messages to include changing of data from one form to another.

Though Appellant contends that “the script interpreter disclosed by Shigemi parses and executes MIPS scripts … it does not convert data into structured data” (App. Br. 10), as discussed above, claim 1 does not require that Shigemi’s *scripts* (application program) must convert data, and we will not restrict “structured data” to be the disclosed embodiment as Appellant

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contends. Instead, claim 1 merely requires a *parsing unit* to convert data, i.e., change data into another form. We agree with the Examiner's finding that the data processing unit of Shigemi analyzes the tree structure of this structured data object to identify a node to be processed, and thus, Shigemi suggests "a means of parsing through a tree structure of a business document to identify nodes to be processed, and then executes a specific process script associated with the identified node" (Ans. 9). That is, we find such parsing through the tree structure to comprise changing data from one form to another. Thus, we find Shigemi discloses or at the least suggests "a document parser unit for converting document data into structured document information in response to an instruction from the application program" as recited in claim 1.

Accordingly, Appellant has neither shown that the Examiner failed to make a prima facie case of obviousness, nor persuasively rebutted the Examiner's prima facie case. We find that Appellant has not shown that the Examiner erred in rejecting independent claim 1, independent claims 18- 23, 28, and 29 falling therewith, and claims 3-17 depending therefrom, under 35 U.S.C. § 103(a).

VI. CONCLUSIONS OF LAW

(1) Appellant has not shown that the Examiner erred in concluding that claims 1, 3-23, 28, and 29 are unpatentable under 35 U.S.C. § 103(a) over the teachings of Shigemi.

(2) Claims 1, 3-23, 28, and 29 are not patentable.

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VII. DECISION

We affirm the Examiner's rejection of claims 1, 3-23, 28, and 29 under 35 U.S.C. § 103(a).

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED

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